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RAVENSWOOD CITY SCHOOL DISTRICT and
related entities.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EMMA C., et al.,

Plaintiffs,

vs.

DELAINE EASTIN, et al.

Defendants.

Case No. C-96-4179 TEH

**JOINT STIPULATION AND [PROPOSED]
ORDER RE: REVISIONS TO RSIP
REQUIREMENTS 6.2.1, 9.2.1 AND 9.3.1**

Ravenswood City School District (“Ravenswood”), with the agreement of all parties, hereby submits the following stipulation and proposed order concerning the revision of the Ravenswood Self-Improvement Plan (“RSIP”) requirements 6.2.1, 9.2.1 and 9.3.1.

The parties and the Court Monitor have discussed revisions to the current RSIP with regard to certain language relating to English language learners, and with regard to certain timelines for the completion of student assessments. The revisions to the RSIP set forth below are contemplated as a means of improving the efficacy of the document, as well as conforming the RSIP requirements in the area of assessment timelines with state and federal law. Accordingly, the parties hereby stipulate and propose the following modifications to the RSIP¹:

¹ The modifications are reflected by underlining (new material) and strikeout (deleted material).

6.2. **Corrective Activity:** *The District shall ensure that assessments are conducted in accordance with Requirement 6.2.1.*

Requirement 6.2.1: The District shall ensure that assessments include the following components:

- (a) tests and materials used to assess a child shall be selected so as not to be racially or culturally biased;
- (b) assessments shall be conducted in the child's primary language by specialists conversant in that language, and if an agency or private contractor specialist is not reasonably available, the assessment shall be conducted using interpreters conversant in that language;
- (c) materials and procedures used to assess a child with limited English proficiency shall be selected so as to measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills;
- (d) assessments shall be conducted in all areas of suspected disability including methods to determine the behavioral, emotional and mental health needs of the child;
- (e) ecological (functional) assessments shall be conducted of students with moderate-severe disabilities, in addition to curriculum-based assessments;
- (f) assessment plans shall specify the assessment instruments and techniques to be used, including those instruments and techniques for culturally and linguistically diverse students;
- (g) assessments of students suspected of having a specific learning disability shall include at least one classroom observation by a member of the assessment team other than the child's classroom teacher;
- (h) assessment teams shall develop an assessment report that reflects interdisciplinary interaction including a variety of assessment tools and strategies used to gather relevant information, including information related to enabling the child to be involved in and progress in the general curriculum;
- (i) assessments shall be student centered, and may be based in part on information from the child's primary care provider, and may include home, school and community observations when required by the assessment plan or requested by the parent;
- (j) IEPs shall be developed within ~~50~~ 60 days of a signed assessment plan, excluding the summer and school holiday periods in excess of five (5) days; and
- (k) All children who transfer into the District and are placed on a 30-day interim IEP shall be assessed within that 30-day period, excluding the summer and school holiday periods in excess of five (5) days.
- (l) special education teachers implement curriculum-based assessments, aligned with the California curriculum framework, to assess academic skills development in each curricular area;

The Monitor shall, four times each school year, review student records to evaluate whether the procedures set forth above have been followed.

Evidence of Performance: Student records; integrated assessment team reports and assessment plans; documents demonstrating recruitment efforts for bilingual assessors; any reports or notes of the review team or any member of the team. The District shall be deemed to have complied with this requirement if the procedures set forth above have been followed for at least 95% of the students reviewed.

Maintenance Period: Four (4) semesters.

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9.2. Corrective Activity: *The District shall ensure that IEPs are conducted in accordance with the procedures set forth in Requirement 9.2.1.*

Requirement 9.2.1: The District shall ensure that IEPs are conducted in accordance with the following procedures:

- (a) The IEP shall be developed within ~~50~~ 60 days of a parent's consent to the assessment plan for an initial referral, excluding the summer and school holiday periods in excess of five (5) days;
- (b) The IEP shall be developed within ~~50~~ 60 days of a parent's consent to the assessment plan for a triennial evaluation, excluding the summer and school holiday periods in excess of five (5) days;
- (c) The IEP shall be developed within ~~50~~ 60 days of a parent's consent to an assessment plan for any other services (e.g., mental health services, speech and language services, occupational therapy services), excluding the summer and school holiday periods in excess of five (5) days;
- (d) The annual IEP team meeting shall be conducted within one year of the previous IEP;
- (e) The triennial re-evaluation and IEP team meeting shall be conducted within three years of the initial IEP team meeting or last triennial re-evaluation and IEP team meeting;
- (f) All notices of IEP team meetings shall contain the purpose, time, location, and identities of those who will be in attendance, as well as a statement that parents may invite individuals with knowledge or special expertise about the child;
- (g) A special education service provider and a district administrator with authority to commit and knowledge of the resources available and at least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment shall attend the IEP team meeting;
- (h) The IEP shall be presented to the parent prior to its implementation; and
- (i) Students who transfer into the district are immediately placed in conformity with the child's extant IEP for a period of not to exceed 30 days, excluding the summer and school holiday periods in excess of five (5) days, by the conclusion of which period a new IEP shall be developed for the student.
- (j) special education teachers implement curriculum-based assessments, aligned with the California curriculum framework, to assess academic skills development in each curricular area;

- (k) outcomes from these assessments are shared with other members of the child's educational team and are used to develop yearly, standards-referenced IEP objectives; and
- (l) special education teachers and designated instructional services personnel (DIS personnel) on the child's educational team collect, on an ongoing basis, evaluation data on student progress on each IEP objective and use that information to revise educational goals, instructional strategies, curricular adaptations, and social and behavioral supports.

The Monitor, four times each school year shall review student records of 15% of students with disabilities in the District and evaluate whether the procedures set forth above have been followed.

Evidence of Performance: IEPs and documentation;. The District shall be deemed to have complied with this requirement if the procedures set forth above have been followed for 95% of the students reviewed.

Maintenance Period: Not applicable

9.3. Corrective Activity: *The District shall develop IEPs that contain the content set forth in Requirement 9.3.1.*

Requirement 9.3.1: The District shall ensure that IEPs include the following components:

- (a) A statement of the child's present levels of performance, including how the disability affects the child's involvement and progress in the general education curriculum in academic and non-academic areas;
- (b) A statement demonstrating that the IEP team considered the strengths of the student;
- (c) A statement demonstrating that the IEP team considered the parent concerns;
- (d) Measurable annual goals, including short-term objectives related to meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum, or for preschool children, to participate in appropriate activities; and meeting each of the child's other educational needs that result from the child's disability;
- (e) A direct relationship between the present levels of performance, the goals and objectives, and the specific educational services to be provided;
- (f) A statement of the special education services, related services, and supplementary aids and services to be provided to or on behalf of the child.
- (g) A statement of the anticipated frequency, duration, and location of the recommended special education and related services;
- (h) A statement demonstrating that the IEP team considered the need for extended school year services, if applicable;
- (i) A description of program modifications and supports that will be provided to enable the child to advance toward attaining goals, be involved and progress in the general education curriculum, and participate in extracurricular activities and other non-academic activities;
- (j) A statement demonstrating that the IEP team considered a positive behavioral intervention plan for a child whose behavior impedes his or her learning or the learning of others;

- (k) ~~A statement demonstrating that the IEP team considered the language needs of a child with limited English proficiency; For each student with limited English proficiency (English Learner ("EL")), linguistically appropriate goals and objectives and a description of linguistically appropriate programs and services;~~
- (l) A statement demonstrating that the IEP team considered assistive technology devices and services needed to increase, maintain or improve the functional capabilities of the child;
- (m) A statement demonstrating that the IEP team considered instruction in Braille for a child who is blind or visually impaired;
- (n) A statement setting forth the extent, if any, to which the child will not participate with non-disabled children in the regular class and activities;
- (o) A statement of how the student's parents will be regularly informed at least as often as the parents of non-disabled students regarding their student's progress toward annual goals and the extent to which that progress will enable the child to achieve the annual goals by year's end;
- (p) A statement of how the child will take district and state-wide achievement tests, including a statement of whether the child will take the tests with accommodations, without accommodations; or the alternate assessment according to state guidelines. .

The Monitor, four times each school year, shall review at least 15% of the student records and placements to evaluate whether the procedures set forth above have been followed.

Evidence of Performance: IEPs and student records. The District shall be deemed to have complied with this requirement if all of the procedures set forth above have been followed for 95% of the students reviewed.

Maintenance Period: 4 semesters

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After consultation with the Court Monitor, the parties have agreed that the modifications above shall take effect February 1, 2008. The parties hereby stipulate to the proposed new language for RSIP requirements 6.2.1, 9.2.1 and 9.3.1, as set forth above.

Dated: February 11, 2008

MICHAEL P. MURPHY, COUNTY COUNSEL

By: /s/
Aimee B. Armsby, Deputy

Attorneys for Defendant
RAVENSWOOD CITY SCHOOL DISTRICT and related
Defendants.

1 Dated: February 11, 2008

YOUTH & EDUCATION LAW PROJECT

2
3 By: /s/
4 William S. Koski, Esq.

5 Attorneys for Plaintiffs
6 EMMA C., et al.

7 Dated: February 11, 2008

EDMUND G. BROWN JR.
Attorney General of the State of California

9 SUSAN M. CARSON
10 Supervising Deputy Attorney General

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12 By: /s/
13 George Prince
Deputy Attorney General

14 Attorneys for State Defendants
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~~PROPOSED~~ ORDER

Good cause appearing therefore, it is hereby concluded and adjudged that Paragraphs 3.2 and 6.1.2 of the First Amended Consent Decree shall be amended as follows:

6.2. Corrective Activity: *The District shall ensure that assessments are conducted in accordance with Requirement 6.2.1.*

Requirement 6.2.1: The District shall ensure that assessments include the following components:

- (a) tests and materials used to assess a child shall be selected so as not to be racially or culturally biased;
- (b) assessments shall be conducted in the child's primary language by specialists conversant in that language, and if an agency or private contractor specialist is not reasonably available, the assessment shall be conducted using interpreters conversant in that language;
- (c) materials and procedures used to assess a child with limited English proficiency shall be selected so as to measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills;
- (d) assessments shall be conducted in all areas of suspected disability including methods to determine the behavioral, emotional and mental health needs of the child;
- (e) ecological (functional) assessments shall be conducted of students with moderate-severe disabilities, in addition to curriculum-based assessments;
- (f) assessment plans shall specify the assessment instruments and techniques to be used, including those instruments and techniques for culturally and linguistically diverse students;
- (g) assessments of students suspected of having a specific learning disability shall include at least one classroom observation by a member of the assessment team other than the child's classroom teacher;
- (h) assessment teams shall develop an assessment report that reflects interdisciplinary interaction including a variety of assessment tools and strategies used to gather relevant information, including information related to enabling the child to be involved in and progress in the general curriculum;
- (i) assessments shall be student centered, and may be based in part on information from the child's primary care provider, and may include home, school and community observations when required by the assessment plan or requested by the parent;
- (j) IEPs shall be developed within ~~50~~ 60 days of a signed assessment plan, excluding the summer and school holiday periods in excess of five (5) days; and
- (k) All children who transfer into the District and are placed on a 30-day interim IEP shall be assessed within that 30-day period, excluding the summer and school holiday periods in excess of five (5) days.

- (l) special education teachers implement curriculum-based assessments, aligned with the California curriculum framework, to assess academic skills development in each curricular area;

The Monitor shall, four times each school year, review student records to evaluate whether the procedures set forth above have been followed.

Evidence of Performance: Student records; integrated assessment team reports and assessment plans; documents demonstrating recruitment efforts for bilingual assessors; any reports or notes of the review team or any member of the team. The District shall be deemed to have complied with this requirement if the procedures set forth above have been followed for at least 95% of the students reviewed.

Maintenance Period: Four (4) semesters.

* * * *

9.2. Corrective Activity: *The District shall ensure that IEPs are conducted in accordance with the procedures set forth in Requirement 9.2.1.*

Requirement 9.2.1: The District shall ensure that IEPs are conducted in accordance with the following procedures:

- (a) The IEP shall be developed within ~~50~~ 60 days of a parent's consent to the assessment plan for an initial referral, excluding the summer and school holiday periods in excess of five (5) days;
- (b) The IEP shall be developed within ~~50~~ 60 days of a parent's consent to the assessment plan for a triennial evaluation, excluding the summer and school holiday periods in excess of five (5) days;
- (c) The IEP shall be developed within ~~50~~ 60 days of a parent's consent to an assessment plan for any other services (e.g., mental health services, speech and language services, occupational therapy services), excluding the summer and school holiday periods in excess of five (5) days;
- (d) The annual IEP team meeting shall be conducted within one year of the previous IEP;
- (e) The triennial re-evaluation and IEP team meeting shall be conducted within three years of the initial IEP team meeting or last triennial re-evaluation and IEP team meeting;
- (f) All notices of IEP team meetings shall contain the purpose, time, location, and identities of those who will be in attendance, as well as a statement that parents may invite individuals with knowledge or special expertise about the child;
- (g) A special education service provider and a district administrator with authority to commit and knowledge of the resources available and at least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment shall attend the IEP team meeting;
- (h) The IEP shall be presented to the parent prior to its implementation; and
- (i) Students who transfer into the district are immediately placed in conformity with the child's extant IEP for a period of not to exceed 30 days, excluding the summer and school

holiday periods in excess of five (5) days, by the conclusion of which period a new IEP shall be developed for the student.

- (j) special education teachers implement curriculum-based assessments, aligned with the California curriculum framework, to assess academic skills development in each curricular area;
- (k) outcomes from these assessments are shared with other members of the child's educational team and are used to develop yearly, standards-referenced IEP objectives; and
- (l) special education teachers and designated instructional services personnel (DIS personnel) on the child's educational team collect, on an ongoing basis, evaluation data on student progress on each IEP objective and use that information to revise educational goals, instructional strategies, curricular adaptations, and social and behavioral supports.

The Monitor, four times each school year shall review student records of 15% of students with disabilities in the District and evaluate whether the procedures set forth above have been followed.

Evidence of Performance: IEPs and documentation;. The District shall be deemed to have complied with this requirement if the procedures set forth above have been followed for 95% of the students reviewed.

Maintenance Period: Not applicable

9.3. Corrective Activity: *The District shall develop IEPs that contain the content set forth in Requirement 9.3.1.*

Requirement 9.3.1: The District shall ensure that IEPs include the following components:

- (a) A statement of the child's present levels of performance, including how the disability affects the child's involvement and progress in the general education curriculum in academic and non-academic areas;
- (b) A statement demonstrating that the IEP team considered the strengths of the student;
- (c) A statement demonstrating that the IEP team considered the parent concerns;
- (d) Measurable annual goals, including short-term objectives related to meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum, or for preschool children, to participate in appropriate activities; and meeting each of the child's other educational needs that result from the child's disability;
- (e) A direct relationship between the present levels of performance, the goals and objectives, and the specific educational services to be provided;
- (f) A statement of the special education services, related services, and supplementary aids and services to be provided to or on behalf of the child.
- (g) A statement of the anticipated frequency, duration, and location of the recommended special education and related services;
- (h) A statement demonstrating that the IEP team considered the need for extended school year services, if applicable;

- (i) A description of program modifications and supports that will be provided to enable the child to advance toward attaining goals, be involved and progress in the general education curriculum, and participate in extracurricular activities and other non-academic activities;
- (j) A statement demonstrating that the IEP team considered a positive behavioral intervention plan for a child whose behavior impedes his or her learning or the learning of others;
- (k) ~~A statement demonstrating that the IEP team considered the language needs of a child with limited English proficiency;~~ For each student with limited English proficiency (English Learner ("EL")), linguistically appropriate goals and objectives and a description of linguistically appropriate programs and services;
- (l) A statement demonstrating that the IEP team considered assistive technology devices and services needed to increase, maintain or improve the functional capabilities of the child;
- (m) A statement demonstrating that the IEP team considered instruction in Braille for a child who is blind or visually impaired;
- (n) A statement setting forth the extent, if any, to which the child will not participate with non-disabled children in the regular class and activities;
- (o) A statement of how the student's parents will be regularly informed at least as often as the parents of non-disabled students regarding their student's progress toward annual goals and the extent to which that progress will enable the child to achieve the annual goals by year's end;
- (p) A statement of how the child will take district and state-wide achievement tests, including a statement of whether the child will take the tests with accommodations, without accommodations; or the alternate assessment according to state guidelines. .

The Monitor, four times each school year, shall review at least 15% of the student records and placements to evaluate whether the procedures set forth above have been followed.

Evidence of Performance: IEPs and student records. The District shall be deemed to have complied with this requirement if all of the procedures set forth above have been followed for 95% of the students reviewed.

Maintenance Period: 4 semesters

It is further adjudged that the above modifications shall take effect, *nunc pro tunc*, February 1, 2008.

IT IS SO ORDERED.

Dated: ____ 02/14/08 ____

THELTON E. HENDERSON
UNITED STATES DISTRICT COURT

